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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case, No.
19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**MOTION TO REDACT DOCUMENTS
FILED IN SUPPORT OF REORGANIZED
DEBTORS' OMNIBUS OBJECTIONS TO
CLAIMS**

[No Hearing Requested]

1 PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as
2 debtors and reorganized debtors (collectively, the “**Debtors**,” or as reorganized pursuant to the Plan (as
3 defined below), the “**Reorganized Debtors**”) in the above-captioned chapter 11 cases (the “**Chapter 11**
4 **Cases**”), hereby submit this Motion (the “**Motion**”), pursuant to sections 105(a) and 107(c) of title 11 of
5 the United States Code (the “**Bankruptcy Code**”), Rule 1001-2(a) of the Bankruptcy Local Rules for
6 the United States District Court for the Northern District of California (the “**Bankruptcy Local Rules**”)
7 and the *Procedures for Filing Redacted or Sealed Confidential or Highly Sensitive Documents* adopted
8 by the United States Bankruptcy Court for the Northern District of California (the “**Local Procedures**”),
9 for entry of an order (a) authorizing the Reorganized Debtors to redact the names, addresses, and Claim
10 numbers of the Reorganized Debtors’ current or former employees (the “**Personal Information**”)
11 contained in (i) **Exhibit 1** to the *Reorganized Debtors’ Eighty-Ninth Omnibus Objection to Claims*
12 (*Books and Records Claims*) (the “**Books and Records Objection**”), (ii) **Exhibit 1B** and **Exhibit 2B** to
13 the *Reorganized Debtors’ Ninety-Third Omnibus Objection to Claims (No Legal Liability Claims)* (the
14 “**No Legal Liability Objection**”), and (iii) **Exhibit 1** to the *Reorganized Debtors’ Ninety-Fifth Omnibus*
15 *Objection to Claims (Plan Passthrough Proofs of Claim)* (the “**Plan Passthrough Objection**,” and
16 collectively with the Books and Records Objection and the No Legal Liability Objection, the “**Omnibus**
17 **Objections**”)¹ from the Omnibus Objections and any other document filed publicly in connection with
18 the Omnibus Objections, except as specified below, (collectively, the “**Omnibus Objection**
19 **Documents**”) and (b) directing that the unredacted copies of the Omnibus Objection Documents
20 provided to the Court shall remain under seal and confidential and not be made available without the
21 consent of the Reorganized Debtors or further order from the Court. The Reorganized Debtors propose
22 to share, on request, unredacted copies of the Omnibus Objection Documents containing Personal
23 Information with the U.S. Trustee on a strictly confidential basis.

24 In support of the Motion, the Debtors submit the Declaration of A. Anna Capelle (the “**Capelle**
25 **Declaration**”), filed contemporaneously herewith. A proposed form of order granting the relief
26 requested herein is being uploaded concurrently herewith in accordance with the Local Procedures (the

27 _____
28 ¹ Capitalized terms used but not defined in this Motion shall have the meaning used in the Omnibus
Objections.

1 “Proposed Order”).

2 MEMORANDUM OF POINTS AND AUTHORITIES

3 I. JURISDICTION

4 This Court has jurisdiction over this Objection under 28 U.S.C. §§ 157 and 1334; the *Order*
5 *Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24 (N.D. Cal.); and
6 Rule 5011-1(a) of the Bankruptcy Local Rules for the United States District Court for the Northern
7 District of California (the “**Bankruptcy Local Rules**”). This matter is a core proceeding pursuant to 28
8 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The
9 statutory predicates for the relief requested are section 502 of Title 11 of the United States Code (the
10 “**Bankruptcy Code**”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy**
11 **Rules**”).

12 II. BACKGROUND

13 On January 29, 2019 (the “**Petition Date**”), the Debtors commenced with the Court voluntary
14 cases under chapter 11 of the Bankruptcy Code. Prior to the Effective Date (as defined below), the
15 Debtors continued to operate their businesses and manage their properties as debtors in possession
16 pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner was appointed
17 in either of the Chapter 11 Cases. The Chapter 11 Cases are being jointly administered for procedural
18 purposes only pursuant to Bankruptcy Rule 1015(b).

19 Additional information regarding the circumstances leading to the commencement of the
20 Chapter 11 Cases and information regarding the Debtors’ businesses and capital structure is set forth in
21 the *Amended Declaration of Jason P. Wells in Support of the First Day Motions and Related Relief*
22 [Docket No. 263].

23 III. THE OMNIBUS OBJECTIONS

24 **Exhibit 1** to the Books and Records Objection, **Exhibit 1B** and **Exhibit 2B** to the No Legal
25 Liability Objection, and **Exhibit 1** to the Plan Passthrough Objection (collectively, the “**Redacted**
26 **Exhibits**”) each contain the names, contact information, and Claim numbers (collectively, the “**Personal**
27 **Information**”) for a number of current and former employees of the Reorganized Debtors (the
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1 “Redacted Claimants”) who have pending Claims, many of which are directly connected with their
2 prior or current employment with the Reorganized Debtors.

3 Out of concern for the privacy and safety of their employees, the Reorganized Debtors seek to
4 avoid publicly disclosing the names, addresses, and Claim numbers of the Redacted Claimants on the
5 Redacted Exhibits to the Omnibus Objections, or on other publicly filed Omnibus Objection Documents
6 where the Redacted Claimants’ names and addresses appear, including on the certificates of service filed
7 by Prime Clerk in relation to the Omnibus Objections and any order entered by the Court in respect of
8 the Omnibus Objections. While the Personal Information may otherwise be publicly available in other
9 contexts and filings, both in these Chapter 11 Cases and in other forums, disclosure of the Personal
10 Information in the Omnibus Objection Documents will directly connect the Redacted Claimants’ name
11 and address to their current or former employment status with the Reorganized Debtors, and may give
12 rise to the harm discussed below.

13 The Reorganized Debtors have made a commitment to their employees to keep their information
14 confidential. The Reorganized Debtors want to avoid providing contact information for their employees
15 lest that information be used by members of the public to initiate unwanted contact. Furthermore, such
16 information could be used, among other things, to perpetrate identity theft or to locate survivors of
17 domestic violence, harassment, or stalking.

18 However, the commitment of the Reorganized Debtors to keeping employee information
19 confidential must be weighed against the practicality of actively litigating a Claim with the identity of
20 the Claimant perpetually redacted, where the Claimant has made such information public. Accordingly,
21 to the extent a Claimant files an unredacted opposition or response to an Omnibus Objection that includes
22 their name or Claim number, the Reorganized Debtors request that they be excused from redacting from
23 subsequent filings such name or Claim number. The Reorganized Debtors will continue to redact the
24 address and other contact information of the Redacted Claimant and keep such information confidential
25 regardless of whether the Redacted Claimant discloses such information in a public filing.

1 **IV. ARGUMENT**

2 Section 105(a) of the Bankruptcy Code empowers the Court to “issue any order . . . that is
3 necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Section 107(c)
4 of the Bankruptcy Code further provides:

5 (1) The bankruptcy court, for cause, may protect an individual, with respect to the
6 following types of information to the extent the court finds that disclosure of such
7 information would create undue risk of identity theft or other unlawful injury to the
individual or the individual’s property:

8 (A) Any means of identification (as defined in section 1028(d) of title 18)
9 contained in a paper filed, or to be filed, in a case under this title.

10 (B) Other information contained in a paper described in subparagraph (A).

11 11 U.S.C. § 107(c).

12 The Personal Information clearly falls within the definition of “any means of identification” in
13 section 107(c)(1)(A). “Means of identification” is defined by section 1028(d)(7) of title 18 of the United
14 States Code as “any name or number that may be used, alone or in conjunction with any other
15 information, to identify a specific individual . . . including any name.” Further to this, the effect of
16 section 107(c)(1)(B) is to expand the scope of information which may be protected from disclosure to
17 any other information in a paper which contains a means of identification. *See, e.g., In re Motions*
18 *Seeking Access to 2019 Statements*, 585 B.R. 733, 750 (D. Del. 2018). The Delaware District Court
19 there confirmed that a risk to privacy interests is an “unlawful injury” for the purposes of section 107(c)
20 of the Bankruptcy Code, and even if steps were taken to “reduce[] the risk of identity theft or other
21 injury” through the redaction of medical records and all but the last four digits of social security numbers,
22 it did not “eliminate these risks.” *2019 Statements*, 585 B.R. at 753.

23 Here, the Reorganized Debtors seek to protect their employees from the risk of unsolicited
24 contact that may be perceived as intrusive or harassing as a result of their connection to the Reorganized
25 Debtors or from the risk of identity theft, domestic violence, or stalking. Given the risk of unwanted
26 contact and intrusion into the privacy of the Claimants, the Reorganized Debtors believe that they have
27 satisfied their burden under Section 107(c). *See 2019 Statements*, 585 B.R. at 751 (noting that
28 Section 107(c) only requires identifying a risk of unlawful injury). The Court has previously authorized

1 the Reorganized Debtors to seal or otherwise withhold such employee personal information for the same
2 reasons stated here. *See, e.g., Order Granting Motion to Redact Documents Filed in Support of*
3 *Reorganized Debtors' Sixty-Seventh Omnibus Objection to Claims (Plan Passthrough Workers'*
4 *Compensation Claims)* [Dkt. 10353].

5 Further, in an effort to balance the risk of harm with transparency, the Reorganized Debtors are
6 prepared to file unredacted copies of the Omnibus Objection Documents with the Court under seal
7 according to the Local Procedures and propose to share, on request, unredacted copies of the Omnibus
8 Objection Documents with the U.S. Trustee on a strictly confidential basis.

9 **V. NOTICE**

10 Notice of this Motion will be provided to (i) the Office of the U.S. Trustee for Region 17 (Attn:
11 Andrew R. Vara, Esq. and Timothy Laffredi, Esq.); (ii) all counsel and parties receiving electronic notice
12 through the Court's electronic case filing system; and (iii) those persons who have formally appeared in
13 these Chapter 11 Cases and requested service pursuant to Bankruptcy Rule 2002. The Reorganized
14 Debtors respectfully submit that no further notice is required. No previous request for the relief sought
15 herein has been made by the Reorganized Debtors to this or any other Court.

16 WHEREFORE the Reorganized Debtors respectfully request entry of an order granting the relief
17 requested herein and such other and further relief as the Court may deem just and appropriate.

18 Dated: June 17, 2021

KELLER BENVENUTTI KIM LLP

19 By: /s/ Thomas B. Rupp
20 Thomas B. Rupp

21 *Attorneys for Debtors and Reorganized Debtors*
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